

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

ANDREA MAE HARRIS

PLAINTIFF

V.

CIVIL ACTION NO. 3:07cv00013-DPJ-JCS

CLC OF WEST POINT, LLC, ET AL.

DEFENDANTS

**ORDER OF DISMISSAL**

This matter is before the Court *sua sponte* to consider dismissal of this action pursuant to Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure due to Plaintiff's failure to prosecute and failure to comply with the previous order of this Court.

Plaintiff filed the Complaint on January 9, 2007. On July 2, 2007, Plaintiff filed her first motion for extension for time to serve process which was granted. Plaintiff had 120 days from July 6, 2007 to serve process on Defendants. On December 21, 2007, the Court ordered that Plaintiff show cause why this action should not be dismissed and required that she respond to the Court's order by January 10, 2008. To date, Plaintiff has not responded to this Court's order.

This Court has the authority under Rule 41(b) of the Federal Rules of Civil Procedure and under its inherent authority to dismiss this action for Plaintiff's failure to prosecute and failure to comply with orders of the Court. *See Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988). Such a "sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars" of the Court. *Link*, 370 U.S. at 629-30.

IT IS, THEREFORE, ORDERED that this case is dismissed without prejudice pursuant to Federal Rules of Civil Procedure 4(m) and 41(b) and the Court's inherent authority.

**SO ORDERED AND ADJUDGED** this the 11<sup>th</sup> day of January, 2008.

*s/ Daniel P. Jordan III*

UNITED STATES DISTRICT JUDGE